**CITY OF BERLIN PLAN COMMISSION MINUTES**

**AUGUST 25TH, 2020**

**CITY OF BERLIN**

**BERLIN, WISCONSIN**

The August 25th, 2020 City Plan Commission meeting was called to order at 6:00 p.m. by acting chairman Erdmann. Roll call present were: Ed Marks, Bobbie Erdmann, Dave Secora, Victoria Hill, Justin Lindahl, Dick Schramer and Mary Kubiak. Also present was Lindsey Kemnitz and Attorney Chier.

First item was approval of the July 28th, 2020 Plan Commission minutes. Marks moved to approve the July 28th, 2020 Plan Commission minutes as presented. Kubiak seconded the motion, which was carried by a voice vote.

Next item was public hearing for rezone for parcels 002-00260-0000, 002-00261-0000, and 002-00264-0000 to C-1. Kemnitz provide the Plan Commission overview of the project stating that staff and City Council has been working with Bruce Bohn and Ducks Unlimited on the land donation. Prior to the City accepting the land donation, it required the land to be annexed in the City. The public hearing was opened at 6:03pm. Erdmann asked three times for anyone to speak for it. Richard Moriarty of 336 N. Washington Street would like to see the rezone to go forward as the Bohn family has done a lot for the community. Erdmann then called for anyone to speak against the rezone three times and no one spoke. Erdmann closed the public hearing at 6:04pm. Marks agreed with Mr. Moriarty statement. Kubiak recommended the rezone to C-1 for approval to Common Council for the parcels 002-00260-0000, 002-00261-0000, and 002-00264-0000. Secora seconded the motion, which was carried by a voice vote.

Public hearing for rezone for parcels 206-01275-0000, 206-01277-0000, and 206-01763-0000 from R-1 to A-1 was opened at 6:06pm. Erdmann asked three times for anyone to speak in favor of the rezone. KC Stewart the owner of the property stated she is not intending to have farm animals on the property. She is looking to build a shed and residential home after that on the parcel on the west side. She wants to keep the area a rural type setting as it currently is. Erdmann then asked three times for anyone to speak against the rezone. Denise Toney of 193 Arnold Street and Dirk Verheyen of 218 Arnold Street spoke together. Both of them have lived on Arnold Street for several years and are not in favor of large outbuildings, farm animals, and farm equipment on the property. They also stated the road was not built to have large equipment going down the road. The public hearing was closed at 6:15pm.

The board had several questions to the applicant. Hill asked why building a shop before the house. The applicant stated she recently went through a divorce and is storing most of her stuff at her moms and would like to get it moved out. Marks mentioned that the future land use map identifies this area for residential. He stated around his home it was not built up in the late 60’s when purchased, but today it is. Hill asked if there is another alternative for her to an exception to build the shed first. Attorney Chier stated a use variance would be an alternative, but would be unlikely she was would be approved for it. Secora had issues with this changing to agriculture use as it is surrounded by residential, he would consider agriculture in the wetland area. Lindahl asked if there are utilities to the site. Electric is to the site and the water and sewer utilities would need to be extended and the property owner is aware of that. Lindahl made a motion to deny the rezone for 206-01275-0000, 206-01277-0000, and 206-01763-0000 from R-1 to A-1. Hill seconded the motion, which was carried by a voice vote.

Following item on the agenda was rezone 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000, 206-00326-0000, 206-00315-0000, and 206-00314-0000 from R-2 to R-3. Erdmann asked the applicant to speak on the project. John Leskii the general contractor and Sue Hietpas the realtor for the project provided an overview. The two of them are working with Curtis Biggar the architect on the project. Sue explained the need for this project in the community. Since the late 90’s there has been 36 new homes constructed according to the MLS listings. Mr. Biggar has completed over 5 million in projects and has similar structures in the Appleton area. They intend to use local contractors for the work. They have received an accepted offer on the land contingent on the rezone and the financing for the project. Erdmann opened the public hearing at 6:35pm. Erdmann asked three times for anyone to speak against the rezone. Betsey Gubitz asked how many units there would be, driveway location, and how many levels. Erdmann explained this was just for the rezone and that the site plan will be reviewed at later date. Erdmann asked three times for anyone to speak in favor of the rezone. Pat Bartol 115 N. State Street is in favor of the rezone. The public hearing was closed at 6:42pm.

Secora asked if the rezone could be contingent on the sale. Kemnitz stated, yes ThedaCare requested it be contingent on the sale. Secora asked the applicant for realistic date. Offer is until December 31, 2020. Victoria asked if they considered the historic homes in the area when designing it. John stated that they did and worked with Lindsey and the Mayor on the design.

Kubiak asked the size of the units. They are about 1,200 sq ft with two bedrooms. Parking area will have 60 stalls. Marks stated the property needs to be used for something and feels this is a good call for the city. Kubiak recommended the approval of the rezone for parcel 206-00323-0000, 206-00321-0000, 206-00320-0000, 206-00325-0000, 206-00326-0000, 206-00315-0000, and 206-00314-0000 from R-2 to R-3 to Common Council contingent on the sale of the land or up to one year. Marks seconded the motion, which was carried by a voice vote.

The next item to discuss the landscape plan for the Thedacare site plan review. Kemnitz explained that there were some changes with the company handling the landscape plan. Boldt construction is looking to get started in September and is requesting to start prior to the landscape plan being approved. Boldt stated they would have the plan for the September meeting. Kemnitz discussed this with the City Engineer and he suggested issuing permit to start demolition and early start permit for the project only. Kubiak made a motion to approve the demolition and early start permit for the Thedacare project. Lindahl seconded the motion, which was carried by a voice vote.

Next item was to discuss proposed CSM and Kettle Street. Richard Moriarty representing Kittenhole 336 N. Washington Street stated they had someone approach them about the property today and want to withdraw the item. Ann Moore representing Joe Hoppa of N9173 32rd Drive is requesting the commission to dedicate the street. Ms. Moore mentioned the City ordinance references Kettle Street in section 70-221 (b). Attorney Chier provided an update to the Plan Commission into regards on ownership of Kettle Street. The City requested Green Lake Title to research the area and they found several discrepancies in ownership of Kettle Street area, but there was no record of it ever being dedicated or ownership to the City of Berlin. The City will need to discuss if they want to keep Kettle Street as a proposed street or eliminate it on the street map. Erdmann then ended the discussion as Moriarty withdrew their request.

Next item was review of the fence ordinance amendment. Attorney Chier stated staff was unsure if the commission wanted to allow closed fences on the side yard up to the front of the house or only in the rear yard. Erdmann mentioned for security purposes it should be in rear yard only. Secora suggested to follow the 6 foot rule to stay consistent with height and closed fences. Hill mentioned she owns a nonconforming lot and her whole yard is considered side yard, she wouldn’t be allowed a closed fence at all. Hill recommended to Common Council for approval to allow privacy fences up to the front of the primary structure. Secora seconded the motion which was carried by a voice vote.

The Commission reviewed the daycare changes that Attorney Chier drafted. The commission discussed if they should have the lot size based on the number of children allowed by the state or the number of children the daycare was proposing. They agreed to follow the number of children based on state approval. Kemnitz suggested changing the parking to 6 stalls per one child to allow parking stalls for parents. The final section was the review the permitted signs. As the daycare’s are under the institutional section it would allow electronic signs and 100 sq ft. Kemnitz did not feel comfortable with that. Attorney Chier stated we cannot regulate based on content. Kemnitz suggested regulating the square footage for the signs on acreage instead.

No new or old business.

Next meeting date is September 29, 2020

Kubiak moved to adjourn at 7:50p.m. Hill seconded the motion, which carried by voice vote.

*Lindsey Kemnitz, Community Development Director*